

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00343

Randy K. Daniels,
Plaintiff,

v.

Tyler Police Department et al.,
Defendants.

ORDER

On July 10, 2023, plaintiff Randy K. Daniels, proceeding pro se, filed this civil rights lawsuit (Doc. 1) pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636(b).

On July 14, 2023, the magistrate judge instructed plaintiff to, within 30 days, either pay the \$402 filing fee or submit an *in forma pauperis* application with a current six-month history of his inmate trust fund account or institutional equivalent. Doc. 3. Plaintiff submitted a motion for leave to proceed *in forma pauperis*; but he did not include a current six-month history of his inmate trust fund account or institutional equivalent. Doc. 6. Plaintiff asserted that “Administration refused to provide such information.” Doc. 6 at 2.

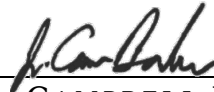
On August 17, 2023, the magistrate judge construed plaintiff’s motion for leave to proceed *in forma pauperis* as a request for an extension of time to submit his current six-month history of his inmate trust fund account or institutional equivalent. Doc. 7. The magistrate judge further stated that the court regularly receives *in forma pauperis* data sheets from Smith County Jail inmates and that jail inmates request such information through the jail’s kiosk system. The magistrate judge instructed plaintiff to submit a compliant application by September 18, 2023. Doc. 7. No such application was received.

On October 23, 2023, the magistrate judge issued a report recommending that plaintiff’s case be dismissed without prejudice for

want of prosecution and failure to obey an order. Doc. 11. No objections have been filed.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc). Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court accepts the findings and conclusions of the report. Accordingly, the complaint is dismissed without prejudice for failure to prosecute and for failure to comply with a court order.

So ordered by the court on December 20, 2023.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge